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1966

Vol. 19, No. 14, April 18, 1966

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Recommended Citation

University of Michigan Law School, "Vol. 19, No. 14, April 18, 1966" (1966). *Res Gestae*. Paper 876.
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RES

April 18, 1966
Vol. ~~19~~²⁰, No. 14

GESTAE

The Weekly Newspaper of the U-M Lawyers Club

FINAL ISSUE. HOORAY!

COMMENTARY: Summary Judgment

This is the final issue of Res Gestae for this staff.

Traditionally, final issues are the time for an editor to set down a few reminiscences and many thanks. There was much cause this year to keep this tradition alive.

There were some "firsts," such as the first 7-page issue and the first year the RG has published over 150 pages in at least a decade; the Res Gestae Poll which found a third of the residents in favor of bombing VC supply lines, even if this meant crossing into Red China; the nationwide scoop of the announcement of Dean Allen's appointment two hours before the Regents made the formal decision, which in turn led to the first "extra" edition for the paper; the election issue with the candidates' own crossfires, and thus far, no libel suits in the process; and the largest staff that ever consumed one of Ireland's finest beverages.

There were the inevitable "bloopers" an editor simply waits for and hopes will go away if he ignores them--the conflicting deadline information; the "grey monster" multilith machine which suffered from an acute case of paranoia the first semester, and then went completely berserk one night and spewed ink all over the "masters" used for printing; "Darling" being reviewed as "an all-time low" by Jay Witkin's predecessor; and the poor student who took the April Fool's issue seriously and worried himself gray thinking the government really was prosecuting violations of the "do not remove" tags on pillows.

There were the unsung heroes, too. Chief among them is Mrs. Gay Ford, RG's typist, who waited more than patiently for the first few deadlines to be met, for the copy to be readable, for her checks to come. And Mrs. Shirley Johnson proved to be a match for the erratic multilith machine even though it had a few months' headstart on her.

To each of the individual department editors, my sincere thanks. If an editor could have two right hands, they would be Messrs. Conner and Petix, who masterfully juggled the objectives and the expedience of the news. As ranking senior on the staff, George Cooney shifted from Sports to Counselor-at-Large with nary a blink, continually reminding the staff to "Do what you want, but cover your rear," (or words to that effect). Taking over the department in mid-year, Jay Witkin brought considered criticism and crispness to a slumping Weekender. Rumor has it that he even attends the very movies he recommends. The newspaper loses Brian Eisenberg next year. After a year of delivering the RG to faculty newsboxes, Brian has decided to become a mailman (with a small newsstand on the side, maybe). The regular columnists--Chris Cohen, Lynn Bartlett, and Legal Aid's Boswell, John Chamberlain--provoked a record amount of interest, letters, and comments. (But we went ahead and printed their material anyway).

My best wishes to next year's editor, as yet unnamed. I hope he corrals some of these people again. He'll know why, next year, at this time.

--Art Dulemba, Editor-in-Chief

UNIV. OF MICH.

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NEWSBEAT:

- Position Open -

Students interested in applying for business editor of The Quad should contact Lynn Bartlett, 764-8962. Individuals with backgrounds in business management or advertising solicitation are desired. Salary for this position will be provided from a percentage share of advertising secured for next year's issue.

- Voter Registration -

Law students who are interested in registering to vote in the fair city of Ann Arbor are reminded that registration is now open following the April 4 city election. Those students who will live here this summer should wait until then as summer residency is one very strong presumption of permanent residency. Others may register now by going to the City Hall at Division and Huron any weekday. Information may be obtained from the city clerk or the city attorney at 761-2400. Lest anyone feel that his vote doesn't count, he might recall that on April 4 incumbent city councilman Prof. Robert Weeks (D) beat his challenger, Mr. Donald Kenney (R), by the rather narrow margin of 2473 to 2471!!

- On the New Rules -

The new Rules of Civil Procedure approved by the U.S. Supreme Court and submitted to Congress are a "substantial improvement" over present rules, Charles W. Joiner, acting dean of the University of Michigan Law School, told members of the District of Columbia Bar Association Tuesday (April 12).

The amendments, to become effective July 1, provide four major accomplishments, Professor Joiner said. The amendments:

1) Cure a number of irksome problems resulting from ambiguities or glosses in the present rules. 2) Have produced an amalgamation, or merger, of civil and admiralty practice. 3) Provide for a complete new joinder of party rule. 4) Provide a new class action rule.

Among several amendments cited by Joiner are new rules referring to injunctions, appeals, and new trials.

Rule 65, injunctions, "has been amended to permit the consolidation of the trial on the merits with the hearing on the preliminary injunction if the court deems it wise, and to permit the use of evidence taken at the hearing or the preliminary injunction at the trial.

This will mean a saving of time and the elimination of duplicating evidence, Joiner pointed out.

Pertaining to appeals, Rule 73 has been modified to permit an extension of time for the filing of a notice of appeal for any excusable neglect and not just the failure to learn of the entry of judgment as is now required. It also permits others to file appeals within 14 days from the date of the original appeal.

"This protects a litigant who has good grounds for review, but would live with the judgment had no appeal been filed, to now raise his question on review when another party starts the appellate process," he said.

"It is no longer necessary to stand on the door of the courthouse with a notice of appeal in hand up to the last minute for filing the appeal."

The rule on new trials, 59, has been amended and should provide additional flexibility in new trial procedure, Dean Joiner said. The new rule will permit the judge to grant the motion on grounds not raised in the motion if they are specified in the order granting the motion, and notice and opportunity to be heard is given the parties.

The Michigan law professor asserted that new amendments, insofar as practicable, "abolish the distinctions between admiralty and civil practice, and make both admiralty and civil practice in the federal courts subject to civil rules."

This is accomplished by:

1) Changing some of the practice in admiralty and to a lesser degree in civil cases so as to make them the same; 2) providing specific exceptions

Newsbeat, cont.

within several of the civil rules for the necessary differences between the law and admiralty; 3) providing six supplemental rules for the special kinds of problems arising only in admiralty matters.

The six areas in which exceptional provisions are made include Third Party Practice (Rule 14-c); Deposition and Discovery (Rule 26;) Jury Trial (Rule 38-e); Interlocutory Review (Rule 73-h); Venue (Rule 82) and Supplementary Rules.

The experience of New York and Michigan was helpful in drafting the new rule on Joinder of Parties, Joiner said. "The new rule does not sweep all the real problems in the compulsory joinder cases under the rug of 'indispensable party' or 'joint interest' as has been true in the past, but directs the attention of the court and the parties to the real problems and to the factors to be considered in attempting to provide a solution."

The new rule on Class Actions, 23, retains the test of numerous persons who cannot practically be joined and representation that will fairly and adequately protect the class, Joiner said.

It makes as new general requirements for all types of class actions: 1) the existence of common questions of law or fact, and 2) the fact that the claims and defenses of the representative parties are typical of the class.

Persons are protected "to a much greater degree than under the present rule." Calling the rule one of the very great and important rules, Joiner said it "gives real direction to the courts to protect litigants, and should be a great help to lawyers in determining how to proceed with class actions."

- Hear Ye Beer Drinkers! -

The Board of Directors passed the following resolution concerning refrigerators in the Club. "The Lawyers Club owns twenty refrigerators at the present time which are rented to residents for \$10/semester. No other refrigerators are allowed in the Club. Distributions will be made to those multiple resident room units which have at least one senior living there and where a refrigerator was requested. If there are refrigerators left over, these will go to seniors whose names are picked by lot from the group of all seniors applying. No more than one refrigerator per floor will be allowed per entry."

All seniors who want a refrigerator should turn an application in to the office by Wednesday, April 20, 1966, at 5:00. The application should contain 1) Name; 2) Room number for next year; 3) Whether a single or multiple unit.

--Wm. H. Conner and Steve Petix

LAWFULLY YOURS: Open Letter to Students

Many of the students in the Law School are members of the American Law Students Association which is an active unit of the American Bar Association, headquartered in Chicago. The Lawyers Club Board of Directors will be sending a delegation to the joint national meetings of the ALSA and the ABA in Montreal, Canada, August 6-12.

In addition to socializing with leaders from the bar and from other law schools, there will be a chance to exchange ideas, plans and programs for the student government groups at various schools. Also expansion of the inter-school moot court competition will be discussed.

The Board of Directors will help pay some expenses of those UM students attending as part of the delegation from our school. We encourage any student interested in so attending to contact the Michigan ALSA representative, Jim Rodgers, at 764-2002.

Sincerely,

Charles W. Joiner
Christopher Cohen

WEEKENDER:

I can't help but feel guilty about running down the cinema list with finals so near, but in case you can spare a minute the scene will be as follows:

--The Michigan will have "Harper," an earthy private-eye fable starring Paul Newman and others, which is supposed to be in the "old Bogart tradition." With one lone exception, this flick, complete with "slices of life," has received very favorable comment from the reviewers, and promises to be one of the few good films to come along in weeks.

--The State, which was supposed to have "The Oscar" last week, has switched around their schedule so as to have it this weekend instead; nevertheless, the advice given last week still holds.

--The Cinema Guild will have "The Navigator" (1924) with Buster Keaton, the great comedian who recently died at 70 after a long and impressive career. In this one Buster gets caught on a runaway steamer with his girl friend. The picture will be shown Saturday and Sunday, and, according to the Guild's PR man, is "great fun."

--The Campus, as of now, is uncertain, but good crowds may keep the Sidney Poitier film "A Patch of Blue" for the remainder of the week. This picture, which was noted in this column two weeks ago, has since caused several threats on my life and all kinds of unprintable abuse to be heaved my way. In defense, let me say that I have read several reviews about this film and that the comments which appeared in this space were really an honest consensus of reviewer opinion. Naturally, no reviewer can reflect anyone's taste but his own, but suffice it to say that this reviewer reads several reviews about all pictures not personally viewed.

Finally, although this column is supposed to cover weekends, let me note that the Cinema Guild will have a Bogart Festival tonight, tomorrow night, and Wednesday. Scheduled to be shown are "Cross Pacific" with Sydney Greenstreet, "The Big Sleep" with Lauren Bacall in a classic role, and "The Roaring Twenties" with James Cagney. Recommend any of these if you have the time.

--Jay Witkin

STAFF:

EDITOR: Art Dulemba, 4-8927

Newsbeat	Wm. H. Conner, Steve Petix
Sports	George A. Cooney
Weekender	Jay Witkin
Legal Aid Briefs . .	John L. Chamberlain
Circulation and Business Mgr. . . .	Brian Eisenberg